

# **EXHIBIT 1**

HIGHLY CONFIDENTIAL

Manion, Scott Martin

April 2, 2014

1

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: PROCESSED EGG PRODUCTS )  
ANTITRUST LITIGATION )  
 ) MDL No. 2002  
 ) 08-md-02002  
 ) HIGHLY  
THIS DOCUMENT RELATES TO: ) CONFIDENTIAL  
Kraft Foods Global, Inc., et al., )  
v. United Egg Producers, Inc., )  
et al., No. 2:12-cv-00088-GP )

The highly confidential videotaped discovery deposition of KRAFT FOODS GLOBAL, INC., by and through Scott Martin Manion, taken in the above-entitled cause, before Deralyn Gordon, a notary public of Cook County, Illinois, on the 2nd day of April, 2014, at 353 North Clark Street, Chicago, Illinois, beginning at approximately 9:01 a.m., pursuant to Notice.

REPORTED BY: DERALYN GORDON, CSR, RPR, CRR

LICENSE NO: 084-003957

202-220-4158

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<p>1 record at 2:43 p.m.</p> <p>2 EXAMINATION</p> <p>3 BY MR. CAMPBELL:</p> <p>4 Q. Mr. Manion, do you recall defendant's</p> <p>5 counsel asked you if you had sought requests from</p> <p>6 Sparboe and Rembrandt?</p> <p>7 <b>A. Yes.</b></p> <p>8 Q. And you said yes.</p> <p>9 But she prefaced that question by asking</p> <p>10 during the relevant period.</p> <p>11 During the relevant period, which is 2008,</p> <p>12 1999 to 2008, did you have contact with Sparboe or</p> <p>13 Rembrandt?</p> <p>14 <b>A. No.</b></p> <p>15 Q. Okay. Would you -- I show you what is</p> <p>16 marked as Manion Exhibit 11, which is a supply</p> <p>17 agreement between Kraft and Rose Acre. Do you</p> <p>18 recall you were shown that document?</p> <p>19 <b>A. Yes.</b></p> <p>20 Q. It's right here, Scott.</p> <p>21 And counsel for defendant asked, referring</p> <p>22 to Exhibit A --</p> <p>23 I think that's it, is it not?</p> <p>24 <b>A. This is Exhibit A, yes.</b></p> <p>25 Q. Yeah.</p>	<p>182</p> <p>1 Q. Is there any mention of the Urner Barry</p> <p>2 certified market index in Exhibit 14, your</p> <p>3 contract with Michael Foods?</p> <p>4 <b>A. No.</b></p> <p>5 Q. Do you recall you were asked a series</p> <p>6 of questions about when you first considered a</p> <p>7 grain-based index? Do you recall that?</p> <p>8 <b>A. Yes.</b></p> <p>9 Q. When did you first consider it?</p> <p>10 And I emphasize the word consider it as</p> <p>11 opposed to adopting a grain based?</p> <p>12 <b>A. We were evaluating grain-based models in</b></p> <p>13 <b>2008 and 2009.</b></p> <p>14 Q. But not before that, correct?</p> <p>15 <b>A. Not before that.</b></p> <p>16 MR. CAMPBELL: All right. I have no</p> <p>17 further questions.</p> <p>18 Katie?</p> <p>19 MS. CLAIR: No. No further questions.</p> <p>20 MR. CAMPBELL: John or Sharon, do you have</p> <p>21 any questions?</p> <p>22 MR. MONICA: Nothing from John.</p> <p>23 MS. MARKOWITZ: No.</p> <p>24 MR. CAMPBELL: Thank you all.</p> <p>25 THE VIDEOGRAPHER: Going off the record at</p>
<p>183</p> <p>1 -- asked if Kraft purchased 100 percent</p> <p>2 of its products during the contract period from</p> <p>3 Rose Acre. Do you remember that?</p> <p>4 <b>A. Yes.</b></p> <p>5 MS. CLAIR: Objection, misstates prior</p> <p>6 testimony.</p> <p>7 BY MR. CAMPBELL:</p> <p>8 Q. Is that correct? Did Kraft purchase all</p> <p>9 of its products from Rose Acre during that period</p> <p>10 or are only those products for those plants</p> <p>11 identified in Exhibit A?</p> <p>12 <b>A. Only those products from those plants.</b></p> <p>13 Q. I show you what has been marked -- what</p> <p>14 was marked as Manion Deposition Exhibit 14, which</p> <p>15 is a contract dated July 1, 2007, between Kraft</p> <p>16 and Michael Foods.</p> <p>17 And if you'll turn to the Bates page</p> <p>18 ending in 49, and look at the pricing -- the</p> <p>19 paragraph entitled "Price." Do you see that?</p> <p>20 <b>A. Yes.</b></p> <p>21 Q. And do you recall that defendant's</p> <p>22 counsel asked you whether or not your contract</p> <p>23 with Rose Acre at a certain point in time was</p> <p>24 based upon the Urner Barry certified market index?</p> <p>25 <b>A. Yes.</b></p>	<p>185</p> <p>1 2:47 p.m. This concludes the videotaped</p> <p>2 deposition of Mr. Manion.</p> <p>3 (Whereupon proceedings were</p> <p>4 adjourned.)</p>

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